

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

FRANCIS J. MORAN,	:	CIVIL ACTION NO. 1:08-CV-1303
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
JANINE DONATE, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 21st day of October, 2008, upon consideration of the motion to dismiss filed on behalf of defendant Donate (Doc. 11), and it appearing that plaintiff failed to oppose the motion in accordance with the local rules of court, and the Third Circuit having held that consistent with local rules of court, a motion to dismiss may be granted without a merits analysis “if a party fails to comply with the rule after a specific direction to comply from the court,” Stackhouse v. Mazurkiewicz, 951 F.2d 29, 30 (3d Cir. 1991), and plaintiff having been warned *via* order of this court (Doc. 14) that his failure to file an opposition brief on or before October 15, 2008, would result in the motion being deemed unopposed and an order granting the motion to dismiss without a merits analysis, see L.R. 7.6, and it further appearing that as of the date of this order plaintiff has failed to file his opposition brief, it is hereby ORDERED that defendant’s motion to dismiss (Doc. 11) plaintiff’s complaint is DEEMED unopposed pursuant to L.R. 7.6 and is GRANTED without a merits analysis. Stackhouse v. Mazurkiewicz, 951 F.2d 29, 30 (3d Cir. 1991). The

Clerk of Court is directed to note on the docket that defendant Donate is TERMINATED. It is further ORDERED that plaintiff shall notify the court on or before November 5, 2008, whether he intends to pursue the matter against the remaining defendants.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge